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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,786	06/14/2000	Ivan Henri Robert Darius	10121:16	7757

25962 7590 09/29/2005

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/593,786	Applicant(s) DARIUS ET AL.	
	Examiner Ella Colbert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-6 are pending. Claim 1 has been amended in this communication filed 06/27/05 entered as Amendment with filing of RCE.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/27/05 has been entered.

#### ***Abstract***

3. The abstract of the disclosure is objected to because the abstract contains over 150 words.

Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Correction is required.

#### ***Drawings***

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure's 4, 6-8 and 10 are too dark and the text is not legible.

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Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,385,594) Lebda et al, hereafter Lebda in view of (US 5,995,947) Fraser.

Claim 1. Lebda discloses a method operative on a web server to facilitate a web-based information exchange between a broker and a set of wholesale lenders, comprising: exposing to the broker a set of one or more generic mortgage lender profiles over said web-based information exchange, the generic mortgage lender profile simultaneously exposing generic mortgage profile information for a plurality of different specific wholesale lenders (col. 4, lines line 42-col. 5, line 34 and fig. 7 ); responsive to entry by the broker of given data, applying a given generic mortgage lender profile to the data to identify a set of one or more specific wholesale lenders who meet criteria specified in the given data (col. 5, lines 16-34). Lebda failed to teach, responsive to selection by the broker of one of the specific wholesale lenders, exposing to the broker

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a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction over said web-based information exchange. Fraser teaches, responsive to selection by the broker of one of the specific wholesale lenders, exposing to the broker a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction over said web-based information exchange (col. 9, lines 53-col. 10, line 39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to be responsive to selection by the broker of one of the specific wholesale lenders, exposing to the broker a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction over said web-based information exchange and to modify in Lebda because such a modification would allow Lebda to manage lender selection so the lenders that are deselected to not see the loan profiles from the broker station.

Claim 2. Lebda failed to teach, The set of unique lender characteristics includes a rate sheet. Fraser teaches, The set of unique lender characteristics includes a rate sheet (col. 1, lines 22-46, col. 10, lines 33-41 and fig. 2C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the set of unique lender characteristics include a rate sheet and to modify in Leda because such a modification would allow Lebda to consult rate sheets from multiple lenders to determine appropriate lending programs which might be appropriate for the client.

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Claim 3. Lebda failed to teach, The set of unique lender characteristics includes an eligibility matrix. Fraser teaches, The set of unique lender characteristics includes an eligibility matrix (col. 2, lines 32-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the set of unique lender characteristics include an eligibility matrix and to modify in Lebda because such a modification would allow Lebda to have characteristic identifiers for marking prospective loans that might be of interest to lenders and brokers.

Claim 4. Lebda teaches, The set of unique lender characteristics includes a lock sheet (col. 6, lines 37-49 and fig.'s 9-11)

Claim 5. Lebda teaches, displaying to the broker mortgage rates and prices (col. 4, lines 42-63)

Claim 6. Lebda teaches, Having the broker lock a loan online (col. 6, line 61-col. 7, line 9).

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

King (US 5,742,775) disclosed administering an adjustable rate loan.

### **Inquiries**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**E. Colbert**  
**Primary Patent Examiner**  
September 26, 2005